

Plaintiffs' Exhibit 14

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1 H I G H L Y C O N F I D E N T I A L
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF VIRGINIA
4 ALEXANDRIA DIVISION

-----x

4 UNITED STATES, et al.,

5 Plaintiffs,

6 vs. Case No.

7 1:23-cv-000108

8 GOOGLE LLC,

9 Defendant.

10 -----x

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16 VIDEOTAPED DEPOSITION OF TODD PARSONS

17 New York, New York

18 Friday, September 8, 2023

19 9:41 a.m.

20

21

22

23 Reported by:

24 DANIELLE GRANT, CRR, CLR

25 Job No. CS6083774

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<p style="text-align: right;">Page 6</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 -----EXHIBITS-----</p> <p>3 FOR IDENTIFICATION DESCRIPTION PAGE</p> <p>4 Exhibit No. 8 Document, 140</p> <p> Bates-stamped</p> <p>5 CRITEO_GOOGLELIT_00000</p> <p> 00693</p> <p>6</p> <p>7 Exhibit No. 9 Document, 149</p> <p> Bates-stamped</p> <p>8 CRITEO_GOOGLELIT_00000</p> <p> 00693</p> <p>9 Exhibit No. 10 Document, 164</p> <p> Bates-stamped</p> <p>10 CRI00000096</p> <p>11 Exhibit No. 11 Document, 195</p> <p> Bates-stamped</p> <p>12 CRI00000278</p> <p>13 Exhibit No. 12 Four-page interview 218</p> <p> with TheCurrent.com</p> <p>14</p> <p>15</p> <p>16</p> <p>17 -----REQUESTS FOR PRODUCTION-----</p> <p>18 DESCRIPTION PAGE</p> <p>19 -----NONE WERE MADE-----</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 Mr. Parsons, I do, because I'm</p> <p>3 from the government, have to ask you</p> <p>4 one very quick quest --</p> <p>5 THE WITNESS: Yes.</p> <p>6 MR. WOLIN: -- as a preliminary</p> <p>7 matter.</p> <p>8 Do you understand the information</p> <p>9 you provide during this deposition may</p> <p>10 be used by the Department of Justice in</p> <p>11 other civil, criminal, administrative</p> <p>12 or regulatory cases or proceedings?</p> <p>13 THE WITNESS: I do.</p> <p>14 MR. WOLIN: Thank you.</p> <p>15 MR. ISAACSON: And my name is Bill</p> <p>16 Isaacson from the law firm Paul Weiss</p> <p>17 for Google.</p> <p>18 MS. HIBBLER: And I'm Leah Hibbler</p> <p>19 from Paul Weiss, also for Google.</p> <p>20 MR. ERIKSON: Christopher Erickson</p> <p>21 from Axinn Veltrop on behalf of Google.</p> <p>22 VIDEOGRAPHER: Will the court</p> <p>23 reporter please swear in the witness?</p> <p>24 T O D D P A R S O N S, called as a witness,</p> <p>25 having been first duly sworn by</p>
<p style="text-align: right;">Page 7</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 VIDEOGRAPHER: We're going on the</p> <p>3 record at 9:41 a.m. on September 8,</p> <p>4 2023. This is Media Unit 1 of the</p> <p>5 30(b)(6) deposition of Criteo. The</p> <p>6 witness is Todd Parsons taken by</p> <p>7 counsel for the defendants in the</p> <p>8 matter of the United States, et al.,</p> <p>9 versus Google, LLC. This case is filed</p> <p>10 in the United States District Court for</p> <p>11 the eastern district of Virginia,</p> <p>12 Alexandria division. My name is</p> <p>13 Deverell Write representing Veritext</p> <p>14 Legal Solutions. The court reporter is</p> <p>15 Danielle Grant from Veritext Legal</p> <p>16 Solutions. At this time, will counsel</p> <p>17 state their appearances?</p> <p>18 MS. SIU: Joy Siu from Sheppard</p> <p>19 Mullin on behalf of Criteo.</p> <p>20 MR. WOLIN: Michael Wolin on --</p> <p>21 from the Department of Justice on</p> <p>22 behalf of the Plaintiff United States.</p> <p>23 With me is my colleague Matthew Gold,</p> <p>24 also an attorney on behalf of the</p> <p>25 United States.</p>	<p style="text-align: right;">Page 9</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 Danielle Grant, a Notary Public within</p> <p>3 and for the State of New York, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MR. ISAACSON:</p> <p>7 Q Hello, Mr. Parsons. Again, I'm</p> <p>8 Bill Isaacson. I'll be asking you</p> <p>9 questions, at least for the first part of</p> <p>10 this day.</p> <p>11 A Great.</p> <p>12 Q My understanding is you are the</p> <p>13 chief product officer at Criteo and you've</p> <p>14 been doing that since August 2020?</p> <p>15 A That is correct.</p> <p>16 Q And before that, you were the</p> <p>17 chief product officer, from August 2018 to</p> <p>18 July 2020, for OpenX.</p> <p>19 A This is also correct.</p> <p>20 Q And I have read on your LinkedIn</p> <p>21 that there you were responsible for</p> <p>22 modernizing OpenX's scale programmatic</p> <p>23 marketplaces to compete with high efficacy</p> <p>24 marketing solutions delivered by Google,</p> <p>25 Facebook and other walled gardens.</p>

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2 Does that sound right?

3 A I -- it sounds right. I haven't

4 read that in some time.

5 Q But do you agree with it?

6 A I do agree with it.

7 Q Okay. And before OpenX, you were

8 a chief product officer at SocialCode from

9 July 2016 to August 2018?

10 A That's correct.

11 Q And do I understand that social

12 code advised Fortune 500 companies and

13 others on advertising and marketing across

14 walled garden including Google?

15 A That is correct.

16 Q Okay. And you work for another --

17 you worked -- you graduated from the

18 University of Utah?

19 A I didn't graduate from the

20 University of Utah, but I attended the

21 University of Utah.

22 Q All right. And after that, you

23 worked for a Silicon Valley Bank, BuzzLogic,

24 Aditive Inc., Acxiom, and Aditive, all those

25 companies?

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2 A Aditive was before Acxiom and

3 acquired by Acxiom.

4 Q Right. And you want to just

5 summarize your general work through those

6 years, what you were doing?

7 A Sure. Sure. So at silica -- at

8 Silicon Valley Bank, since I think you

9 started there, I will start there. I ran

10 innovation, a tech innovation practice that

11 focused on using data for the benefit of the

12 ecosystem of venture capitalists and

13 entrepreneurs that use Silicon Valley Bank.

14 That was my kind of formal introduction to

15 tech, I would say. From there, I was

16 inspired to start two companies. BuzzLogic

17 was the first. BuzzLogic, a venture-backed

18 company. Both companies were venture-backed

19 companies which I founded -- co-founded.

20 BuzzLogic focused on social media

21 monitoring and provided solutions to the

22 marketplace for understanding their brands

23 across social media. Later, it became an

24 advertising capability on top of that

25 monitoring, which enabled brands to get to

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2 people who were influential about certain

3 topics on the Internet and use them as places

4 to share their brand messages. That was my

5 first time in advertising itself. From

6 there, I went and started a second company.

7 That company didn't exit. I exited it. It

8 was a founder exit, and I started a second

9 company called Aditive which did successfully

10 exit in 2014 to Acxiom.

11 Acxiom bought the company and then

12 I went on to run different parts of that

13 business. That was my introduction to data

14 and privacy primarily. SocialCode was an

15 opportunity that recruited me. A very

16 interesting opportunity to help brands work

17 across -- I don't choose to use the term

18 "walled gardens" anymore. That might be a

19 bit of a dated term from my perspective -- my

20 personal perspective. But to work across the

21 different -- the different platforms where

22 consumers are most often easy to reach by

23 brands, so that's the progression.

24 I think OpenX -- I'll finish with

25 OpenX and Criteo. OpenX was an opportunity

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2 to take what I learned in those prior stops

3 and put it to work on behalf of improving the

4 way that programmatic advertising work on

5 behalf of its buyers and its sellers. A

6 logical progression in my career. I had

7 picked up a lot of deep knowledge in the

8 space, the market -- marketplace dynamics.

9 OpenX was a good opportunity for me to carry

10 that forward and work in the exchange

11 environment similar to AdEx. And then

12 finally Criteo, which has been a fantastic

13 opportunity to take all of my prior

14 experience and, again, go to work trying to

15 improve advertising solutions on behalf of

16 buyers and sellers alike all for the

17 benefit -- I should mention here, all for the

18 benefit of making advertising more meaningful

19 and provide more utility to human beings.

20 We're all human beings at the table

21 here, and I insist that career-wise there is

22 value in delivering great advertising. It's

23 part of the spirit that holds my career

24 together and has compelled me to go from

25 place to place in those that I just

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<p>Page 14</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 described.</p> <p>3 Q All right. Great. You said</p> <p>4 "walled garden" is a dated term.</p> <p>5 Is there a term you prefer to use</p> <p>6 now?</p> <p>7 A Well, I just say -- I just say</p> <p>8 platforms, and that's a -- that's a personal</p> <p>9 view. It's -- I think "walled garden" is a</p> <p>10 loaded term, and I try not to use loaded</p> <p>11 terms as an order of practice. But that's a</p> <p>12 very personal thing.</p> <p>13 Q Okay.</p> <p>14 A It's not a Criteo position.</p> <p>15 Q All right. Why do you consider it</p> <p>16 a loaded term?</p> <p>17 MS. SIU: Objection. Beyond the</p> <p>18 scope.</p> <p>19 You can answer.</p> <p>20 A Because it gets weaponized to</p> <p>21 describe actors in the ecosystem in one way</p> <p>22 or the other.</p> <p>23 Q All right.</p> <p>24 A It's a complicated ecosystem we</p> <p>25 work, and that's a descriptive term that can</p>	<p>Page 16</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 MR. ISAACSON: I realize here I'm</p> <p>3 not getting a feed here.</p> <p>4 MR. WOLIN: We aren't as well.</p> <p>5 MS. SIU: Yeah.</p> <p>6 MR. WOLIN: Maybe we can go off</p> <p>7 the record for a minute?</p> <p>8 VIDEOGRAPHER: The time on the</p> <p>9 video monitor is 9:50 a.m. We're off</p> <p>10 the record.</p> <p>11</p> <p>12 (Whereupon, at 9:50 a.m., a recess</p> <p>13 was taken to 9:54 a.m.)</p> <p>14 (The proceeding resumed with all</p> <p>15 parties present.)</p> <p>16 VIDEOGRAPHER: We're back on the</p> <p>17 record. The time on the video monitor</p> <p>18 is 9:54 a.m.</p> <p>19 Q Mr. Parsons, when you prepared for</p> <p>20 this deposition, did you review any</p> <p>21 documents that assisted you in answering the</p> <p>22 questions that you saw in the subpoenas?</p> <p>23 A Yes, in addition to talking to my</p> <p>24 team, I looked at a summary of the documents</p> <p>25 that were sent. I did not go deeply in</p>
<p>Page 15</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 be used with positive or negative influence</p> <p>3 and effect. And I see it having less impact</p> <p>4 on a productive conversation about the</p> <p>5 ecosystem in general.</p> <p>6 Q All right. I appreciate that.</p> <p>7 A Yep.</p> <p>8 Q You are aware that you are</p> <p>9 testifying today as a corporate</p> <p>10 representative of Criteo?</p> <p>11 A I am.</p> <p>12 Q Okay. And Criteo, generally, it's</p> <p>13 an ad tech company based in Paris?</p> <p>14 A Correct.</p> <p>15 Q And what did you do to prepare for</p> <p>16 this deposition?</p> <p>17 A Well, first of all, I reviewed the</p> <p>18 subpoenas from both the DOJ and from Google.</p> <p>19 I spent time with my counsel -- our counsel,</p> <p>20 Criteo's counsel, reviewing the information</p> <p>21 and talking about the decorum here and what</p> <p>22 we would do together. And I spoke to a</p> <p>23 variety of people on my team lightly to</p> <p>24 understand what information was provided to</p> <p>25 and from this discussion.</p>	<p>Page 17</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 those documents however.</p> <p>3 Q You looked at a summary of</p> <p>4 documents. Did you look at any actual</p> <p>5 document? Any actual business documents</p> <p>6 or --</p> <p>7 A Yes, I did. For about an hour or</p> <p>8 two, I looked at documents, yes.</p> <p>9 Q And what documents did you find</p> <p>10 helpful in answering the questions that you</p> <p>11 thought would be posed today?</p> <p>12 MS. SIU: Objection. Lacks</p> <p>13 foundation.</p> <p>14 A None in particular.</p> <p>15 Q Did you meet with anyone to</p> <p>16 prepare for this deposition other than</p> <p>17 people within your company or your counsel?</p> <p>18 A No.</p> <p>19 Q And do you have any understanding</p> <p>20 whether your lawyers talked to the</p> <p>21 Department of Justice in order to help you</p> <p>22 prepare for this deposition?</p> <p>23 A Can you rephrase the question?</p> <p>24 I'm not sure I understand what you're</p> <p>25 asking.</p>

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 190</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 A That's my understanding.</p> <p>3 Q Thank you. You can put that one</p> <p>4 aside, and I want to then ask you a couple</p> <p>5 of questions on a different but related</p> <p>6 topic.</p> <p>7 A Okay.</p> <p>8 Q Are you familiar with the term</p> <p>9 "Open Auction"?</p> <p>10 A I am.</p> <p>11 Q What does Open Auction refer to in</p> <p>12 the context of digital advertising?</p> <p>13 A An auction which uses the open RTB</p> <p>14 standard.</p> <p>15 Q In your view, does Google's</p> <p>16 products have any advantages in the</p> <p>17 monetization of Open Auction inventory?</p> <p>18 A Does Google's --</p> <p>19 Q Do Google products have any</p> <p>20 advantages in the monetization of Open</p> <p>21 Auction inventory?</p> <p>22 MR. ISAACSON: Objection to form.</p> <p>23 A Google has the advantage of being</p> <p>24 a supplier to buyers who are using open RTB</p> <p>25 to get to audiences and inventory, like we</p>	<p style="text-align: right;">Page 192</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 auction inventory?</p> <p>3 MS. SIU: Same objections.</p> <p>4 A Because of --</p> <p>5 MR. ISAACSON: Same objection.</p> <p>6 A -- scale and because Google has</p> <p>7 tremendous selling ability to demand-side,</p> <p>8 the two do complement one another. In other</p> <p>9 words, scale of GAM's coverage and the</p> <p>10 amount of revenue that's driven by Google</p> <p>11 are naturally complementary to one another.</p> <p>12 Q And what do you mean saying the</p> <p>13 scale of GAM'S coverage?</p> <p>14 A Meaning they're large, they work</p> <p>15 with most publishers.</p> <p>16 Q I want to ask you next about</p> <p>17 header bidding, which I know Google's</p> <p>18 counsel asked you about as well.</p> <p>19 A Yes.</p> <p>20 Q Just so I have a basic</p> <p>21 understanding, could you explain what header</p> <p>22 bidding is?</p> <p>23 A The header bidding basically</p> <p>24 destroyed the waterfall. It allows all of</p> <p>25 the demand-side bidders to compete</p>
<p style="text-align: right;">Page 191</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 talked about before. So they would have an</p> <p>3 advantage in potentially driving more</p> <p>4 business than participants who sat on only</p> <p>5 one side of the auction. Yes.</p> <p>6 Q When you say "Google has the</p> <p>7 advantage of being a supplier," are you</p> <p>8 referring to Google's publisher ad server or</p> <p>9 something else?</p> <p>10 A I'm referring to -- not to their</p> <p>11 publisher ad server; I'm referring to their</p> <p>12 owned and operated properties.</p> <p>13 Q Does Google's position in the</p> <p>14 ad -- publisher ad server market give it</p> <p>15 advantages in the monetization of open</p> <p>16 auction inventory?</p> <p>17 MS. SIU: Objection to the extent</p> <p>18 it calls for a legal conclusion and</p> <p>19 lacks foundation.</p> <p>20 MR. ISAACSON: Objection to form.</p> <p>21 A Could you restate the question one</p> <p>22 more time?</p> <p>23 Q Yep. Does Google's position in</p> <p>24 the publisher ad server market give it</p> <p>25 advantages in the monetization of open</p>	<p style="text-align: right;">Page 193</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 simultaneously which generally accrues to a</p> <p>3 more competitive auction and a higher yield</p> <p>4 for the publisher who is selling the</p> <p>5 inventory.</p> <p>6 Q Does Criteo participate in header</p> <p>7 bidding?</p> <p>8 A Yeah, we do, with the Criteo</p> <p>9 Direct Bidder.</p> <p>10 Q And what is the Criteo Direct</p> <p>11 Bidder?</p> <p>12 A That is our direct bidder,</p> <p>13 directly integrated with publishers rather</p> <p>14 than with SSPs that might also be integrated</p> <p>15 with the publisher.</p> <p>16 Q Has header bidding been beneficial</p> <p>17 to Criteo?</p> <p>18 MS. SIU: Objection. Vague.</p> <p>19 MR. ISAACSON: Objection to form.</p> <p>20 A Yes, it has beneficial.</p> <p>21 Q How so?</p> <p>22 A Because --</p> <p>23 MR. ISAACSON: Objection. Form.</p> <p>24 A -- because as I mentioned earlier,</p> <p>25 we have -- we're able to get more</p>

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2 information back from the publisher, and

3 we're able to not pay an SSP fee when we buy

4 on that publisher directly.

5 Q In your experience, has header

6 bidder -- header bidding been beneficial to

7 publishers?

8 A Definitely.

9 Q How so?

10 A Because of the benefits I stated a

11 moment ago, about leveling competition,

12 providing sequential bidding instead of --

13 pardon me -- providing side-by-side bidding

14 instead of sequential bidding as the

15 waterfall did.

16 Q In your experience, has header

17 bidding been beneficial to advertisers?

18 A In my experience, it has as well,

19 again, for reasons of -- of access. The

20 waterfall and sequential bidding would

21 effectively shut access from certain

22 advertisers. And so, yes, it opens up -- it

23 makes the market more liquid.

24 MR. WOLIN: I want to mark another

25 document, then, as Criteo Exhibit 11.

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2 And I'll ask the court reporter to mark

3 that one.

4 A Thank you.

5 (Whereupon, a Document,

6 Bates-stamped CRI00000278 was marked

7 as Criteo Exhibit No. 11 for

8 identification, as of this date.)

9 MR. WOLIN: And for the record,

10 Criteo Exhibit 11 is a document

11 produced with the Bates

12 Number CRI-00000278 through Bates

13 number ending in 285.

14 MS. SIU: I just note for the

15 record, again, that this is a

16 document -- or a version that was

17 produced to the DOJ during the

18 investigation phase and not -- it was

19 reproduced in the litigation and as

20 such should have -- we should have been

21 given the version that had the correct

22 Bates number as well as the highly

23 confidential designation.

24 Q Mr. Parsons, do you recognize the

25 document that's been marked as Exhibit 11?

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2 A I haven't seen this document

3 prior, Michael, but I recognize it as a --

4 of Criteo origin.

5 Q Okay. It's titled "Guide to

6 Header Bidding Optimization."

7 Is that right?

8 A That is correct.

9 Q Do you have any sense of the

10 context around which this document was

11 created?

12 A This looks like it predates me,

13 but I can't be sure. I would have to review

14 it.

15 Q Do you understand that this

16 document was created in the ordinary course

17 of Criteo's business?

18 MS. SIU: Lacks foundation.

19 A Yeah. I would -- I would have to

20 speculate.

21 Q Do you have any reason to doubt

22 that this document was created in the

23 ordinary course of Criteo's business?

24 A I don't.

25 Q Looking at the first page on the

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2 right-hand side, it illustrates the

3 waterfall; is that correct?

4 A That's right.

5 Q And could you -- in the second

6 paragraph on the left-hand side, it states:

7 In the legacy waterfall system, due to an ad

8 server shortcoming, publishers were forced

9 to order their demand partners based on

10 historical CPM averages.

11 Do you see that?

12 A I do.

13 Q Is that a true statement?

14 A That's correct in my experience.

15 Q Where it refers to ad server, is

16 that referring to the publisher ad server?

17 A That's correct.

18 Q And that statement is applicable

19 to Google's publisher server, DFP?

20 A As a publisher ad server.

21 Q So is this statement applicable to

22 Google's publisher ad server?

23 A I would assume it would be.

24 Q At the end of the paragraph, it

25 states: When a partner returned a CPM

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<p style="text-align: right;">Page 202</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 A -- so I can remember.</p> <p>3 Q Let me ask you this question then.</p> <p>4 A Yes.</p> <p>5 Q Have you heard of latency as a</p> <p>6 potential downside or increased latency as a</p> <p>7 potential downside to header bidding?</p> <p>8 A I just referred to it as a</p> <p>9 potential downside because it can -- it can</p> <p>10 actually hurt the user experience because of</p> <p>11 the way that the page is managed.</p> <p>12 Q In Criteo's use of header bidding,</p> <p>13 has Criteo found ways to mitigate downsides</p> <p>14 like latency?</p> <p>15 A I don't know the answer to that.</p> <p>16 Q Okay. I do recall you talked</p> <p>17 about the possibility of second-pricing</p> <p>18 yourself in header bidding.</p> <p>19 Do you recall that?</p> <p>20 A I recall referring to first and</p> <p>21 second price in the context of moving from</p> <p>22 second price --</p> <p>23 Q Yeah.</p> <p>24 A -- to first.</p> <p>25 Q Is self-competition or</p>	<p style="text-align: right;">Page 204</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 publisher ad server product?</p> <p>3 A 2017. HookLogic. 2017.</p> <p>4 Q And Google also offer a publisher</p> <p>5 ad server product, correct?</p> <p>6 A That's correct.</p> <p>7 Q How does the number of customers</p> <p>8 that Criteo has for its publisher ad server</p> <p>9 compare to the number of customers that</p> <p>10 Google has for its publisher ad server?</p> <p>11 A Much smaller. Much, much smaller.</p> <p>12 Q Do you have a sense of the order</p> <p>13 of magnitude how much smaller the number of</p> <p>14 customers for Criteo's publisher --</p> <p>15 A I don't.</p> <p>16 Q -- ad server are?</p> <p>17 A I'm speaking about what I believe</p> <p>18 to be much smaller because, in our world,</p> <p>19 the ad server that I'm -- that I'm talking</p> <p>20 about is specific to retail media. So we</p> <p>21 don't maintain a competitor to Google Ad</p> <p>22 Manager, and I think you were referring to</p> <p>23 something that was more native to</p> <p>24 traditional publishers than to retailers.</p> <p>25 Q Okay. So, in your view, does</p>
<p style="text-align: right;">Page 203</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 second-pricing yourself a concern in header</p> <p>3 bidding?</p> <p>4 A We wouldn't want to second-price</p> <p>5 ourselves in header bidding, no.</p> <p>6 Q Okay. Does Criteo have ways to</p> <p>7 mitigate any risk of second-pricing yourself</p> <p>8 in header bidding?</p> <p>9 MS. SIU: Objection. Vague.</p> <p>10 A I don't know.</p> <p>11 Q Okay. I want to ask you then --</p> <p>12 we have been talking a little bit about</p> <p>13 publisher ad server.</p> <p>14 But in -- so you're familiar with</p> <p>15 that term, correct?</p> <p>16 A I am.</p> <p>17 Q And what is a publisher ad server?</p> <p>18 A It's way for a publisher to serve</p> <p>19 an ad on its site or its app and provide</p> <p>20 controls for how the yield of what's being</p> <p>21 sold is managed in some cases as well.</p> <p>22 Q Does Criteo offer a publisher ad</p> <p>23 server product?</p> <p>24 A We do.</p> <p>25 Q When did Criteo start offering its</p>	<p style="text-align: right;">Page 205</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 Criteo publisher ad server compete with</p> <p>3 Google's publisher ad server?</p> <p>4 MS. SIU: Objection to the</p> <p>5 extent --</p> <p>6 A Not directly --</p> <p>7 MS. SIU: -- it calls for --</p> <p>8 A -- but not --</p> <p>9 MS. SIU: -- a conclusion.</p> <p>10 A -- but in certain cases people</p> <p>11 could consider it competitive. I could see</p> <p>12 examples of that, yes.</p> <p>13 Q Okay. Has Google's presence in</p> <p>14 the publisher ad server market posed</p> <p>15 challenges for Criteo's attracting customers</p> <p>16 to its publisher ad server?</p> <p>17 A No.</p> <p>18 Q No. How does Criteo pitch its</p> <p>19 publisher ad server to publisher customers?</p> <p>20 A The way that we -- that we pitch</p> <p>21 our ad server is to retailers who are</p> <p>22 looking to participate in retail media and</p> <p>23 commerce media. The way that we're pitching</p> <p>24 the server actually twofold; one is to help</p> <p>25 the retailer run what are called "sponsored</p>

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<p style="text-align: right;">Page 206</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 product listings" on their website. Those</p> <p>3 are the listings that exist when you</p> <p>4 navigate to a product page, and an</p> <p>5 alternative product is sponsored and</p> <p>6 presented which you would see on Amazon, for</p> <p>7 instance. And then there is a second case</p> <p>8 which is we might serve a display</p> <p>9 advertisement on the retailer website along</p> <p>10 with a sponsored product or not. And that's</p> <p>11 a -- that second case is a little closer to</p> <p>12 the GAM execution, but we're talking about</p> <p>13 in the retail environment.</p> <p>14 Q So is Criteo's publisher ad server</p> <p>15 focused on retail publishers?</p> <p>16 A That's correct.</p> <p>17 Q When -- is it ever the case that</p> <p>18 Criteo pitches its publisher ad server to</p> <p>19 customers and then gets turned down?</p> <p>20 MS. SIU: Objection. Vague.</p> <p>21 A I mean, we don't win all of our</p> <p>22 pitches. It would be great.</p> <p>23 Q And what sort of feedback do you</p> <p>24 get when you don't win the pitch?</p> <p>25 MR. ISAACSON: Objection to form.</p>	<p style="text-align: right;">Page 208</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 A No.</p> <p>3 Q Do you consider the ad tech</p> <p>4 industry to be important?</p> <p>5 MS. SIU: Objection. Vague.</p> <p>6 A On what basis?</p> <p>7 Q Just in your understanding as an</p> <p>8 important industry in this country?</p> <p>9 MS. SIU: Same objection.</p> <p>10 A I think it is important to the</p> <p>11 economy. It is important to brands in being</p> <p>12 discovered. It's important to consumers to</p> <p>13 find those brands and to enjoy the value</p> <p>14 they bring. It's important because it keeps</p> <p>15 publishers thriving and the Internet</p> <p>16 actually turning. So, yes, I think it's</p> <p>17 important for those reasons.</p> <p>18 Q And publisher ad server is one</p> <p>19 portion of the ad tech industry; is that</p> <p>20 correct?</p> <p>21 A Just one small portion but, yes.</p> <p>22 Q And what company has the largest</p> <p>23 publisher ad server for display advertising?</p> <p>24 A Google.</p> <p>25 MR. ISAACSON: Objection to form.</p>
<p style="text-align: right;">Page 207</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 A I don't know. I don't know enough</p> <p>3 pattern to say, Michael. It often, I think,</p> <p>4 will go to the size of the customer, are</p> <p>5 they ready to participate in retail media.</p> <p>6 I don't think we're getting rejected because</p> <p>7 of another factor, but I could be wrong. I</p> <p>8 am speculating.</p> <p>9 Q Okay. Today, does Criteo's</p> <p>10 publisher ad server receive bids from AdEx?</p> <p>11 A No.</p> <p>12 Q And do you expect, in the future,</p> <p>13 that Criteo's publisher ad server will</p> <p>14 receive bids through -- from AdEx?</p> <p>15 MS. SIU: Objection. Calls for</p> <p>16 speculation.</p> <p>17 A I don't know.</p> <p>18 Q Today, does Criteo's publisher ad</p> <p>19 server receive bids from DV360?</p> <p>20 A No, but as I mentioned before,</p> <p>21 that is something that we would and are</p> <p>22 working towards, not just for DV360 but</p> <p>23 other DSPs in the ecosystem.</p> <p>24 Q And today, does Criteo's publisher</p> <p>25 ad server receive bids from Google Ads?</p>	<p style="text-align: right;">Page 209</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 Q And the SSP is another technology</p> <p>3 within the ad tech industry; is that</p> <p>4 correct?</p> <p>5 A That is correct.</p> <p>6 Q And what company has the largest</p> <p>7 SSP for display advertising?</p> <p>8 MS. SIU: Objection. Lacks</p> <p>9 foundation.</p> <p>10 A I don't know that for sure.</p> <p>11 MR. WOLIN: Okay. I will pass the</p> <p>12 witness back. I'll reserve any time to</p> <p>13 respond to any further questions from</p> <p>14 counsel for Google.</p> <p>15 BY MR. ISAACSON:</p> <p>16 Q You're going to have no problem</p> <p>17 making an early dinner. I have a few</p> <p>18 questions, though.</p> <p>19 A Yes.</p> <p>20 Q Criteo Exhibit 10, which you were</p> <p>21 shown, an April 2017 document.</p> <p>22 A Which one was ten?</p> <p>23 Q Oh, there we go. That one.</p> <p>24 And I believe you said this was</p> <p>25 before the -- Criteo's Commerce Media</p>

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<p style="text-align: right;">Page 222</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 confidential and then this transcript</p> <p>3 should also be designated highly</p> <p>4 confidential under the applicable</p> <p>5 protective orders.</p> <p>6 THE WITNESS: This guy.</p> <p>7 MS. SIU: That one in particular.</p> <p>8 THE WITNESS: Yeah. I see.</p> <p>9 MR. ISAACSON: Depends on what you</p> <p>10 think of the picture.</p> <p>11 (CROSS-TALKING)</p> <p>12 VIDEOGRAPHER: We're going off the</p> <p>13 record at 3:45 p.m. This concludes</p> <p>14 today's testimony by given by Todd</p> <p>15 Parsons. The total number of media</p> <p>16 units used was four and will be</p> <p>17 retained by Veritext Legal Solutions.</p> <p>18 Thank you. We're off the record.</p> <p>19 (Time noted: 3:44 p.m.)</p> <p>20</p> <p>21 TODD PARSONS</p> <p>22</p> <p>23</p> <p>24 Subscribed and sworn to before me</p> <p>25 this _____ day of _____ 2023.</p>	<p style="text-align: right;">Page 224</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 CERTIFICATE</p> <p>3 STATE OF NEW YORK)</p> <p>4)ss:</p> <p>5 COUNTY OF RICHMOND)</p> <p>6 I, DANIELLE GRANT, a Certified</p> <p>7 Shorthand Reporter, and Notary</p> <p>8 Public within and for the State of</p> <p>9 New York, do hereby certify:</p> <p>10 That TODD PARSONS, the witness whose</p> <p>11 deposition is hereinbefore set</p> <p>12 forth, was duly sworn by me and that</p> <p>13 such deposition is a true record of</p> <p>14 the testimony given by such witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to</p> <p>17 this action by blood or marriage and</p> <p>18 that I am in no way interested in</p> <p>19 the outcome of this matter.</p> <p>20 In witness whereof, I have hereunto</p> <p>21 set my hand this 11TH day of</p> <p>22 September, 2023.</p> <p>23</p> <p>24 <i>Danielle Grant</i></p> <p>25 DANIELLE GRANT</p>
<p style="text-align: right;">Page 223</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2</p> <p>3 NOTARY PUBLIC</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 225</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3</p> <p>4 DECLARATION UNDER PENALTY OF PERJURY</p> <p>5 I declare under penalty of perjury</p> <p>6 that I have read the entire transcript of</p> <p>7 my Deposition taken in the captioned matter</p> <p>8 or the same has been read to me, and</p> <p>9 the same is true and accurate, save and</p> <p>10 except for changes and/or corrections, if</p> <p>11 any, as indicated by me on the DEPOSITION</p> <p>12 ERRATA SHEET hereof, with the understanding</p> <p>13 that I offer these changes as if still under</p> <p>14 oath.</p> <p>15 Signed on the _____ day of</p> <p>16 _____, 2023.</p> <p>17</p> <p>18 TODD PARSONS</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. CS6083774</p>